

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

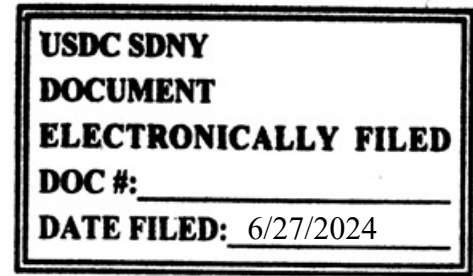
DRYWALL TAPERS AND POINTERS OF  
GREATER NEW YORK LOCAL UNION  
1974, AFFILIATED WITH  
INTERNATIONAL UNION OF ALLIED  
PAINTERS AND ALLIED TRADES, AFL-  
CIO,

Petitioner,

-against-

NATIONAL DRYWALL INC. a/k/a  
NATIONAL DRYWALL INTERIOR'S INC.,

Respondent.



23-CV-08474 (MMG)

**MEMORANDUM OPINION**  
**AND ORDER**

MARGARET M. GARNETT, United States District Judge:

On September 26, 2023, Petitioner filed a Petition to Confirm Arbitration Award. Dkt. No. 1. On October 12, 2023, Petitioner filed an Amended Petition to Confirm Arbitration Award (the "Amended Petition"). Dkt. No. 15. On November 30, 2023, Petitioner filed a Motion for Summary Judgment (Dkt. No. 20), as well as supporting materials (Dkt. Nos. 21–24). Petitioner timely served both the Amended Petition as well as the Motion for Summary Judgment and supporting materials upon Respondent. Dkt. Nos. 19 & 25. On March 5, 2024, the Court directed Respondent to file any opposition to the Amended Petition or Motion for Summary Judgment by March 12, 2024. Dkt. No. 26. To date, Respondent has neither appeared in this action, nor responded to the petition, nor otherwise sought relief from the Award.

The Court must treat the Amended Petition, even though unopposed, "as akin to a motion for summary judgment based on the movant's submissions." *Trs. for Mason Tenders Dist. Council Welfare Fund, Pension Fund, Annuity Fund & Training Program Fund v. Capstone Constr. Corp.*, 11-CV-1715 (JMF), 2013 WL 1703578, at \*2 (S.D.N.Y. Apr. 19, 2013) (discussing in depth the legal standards for resolving unopposed petitions to confirm arbitration awards). After reviewing the Amended Petition and the supporting materials, the Court finds that there is no genuine issue of material fact precluding summary judgment as to all portions of the Award, as the Arbitrator's decision provides more than "a barely colorable justification for the outcome reached." *Id.* at \*3 (internal quotation marks omitted). Nor is there any justification under Section 10(a) of the Federal Arbitration Act for vacating the Award.

Accordingly, the Court grants Petitioner's unopposed Amended Petition to confirm the entire Award. Petitioner is directed to file its Proposed Judgment electronically, using the ECF Filing Event "Proposed Judgment," by no later than **July 8, 2024**.

The Clerk of Court is respectfully directed to terminate Dkt. No. 20 as moot.

Dated: June 27, 2024  
New York, New York

SO ORDERED.

  
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MARGARET M. GARNETT  
United States District Judge